

1 THE HONORABLE JOHN C. COUGHENOUR  
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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 AMADO PEDRO CASTILLO,

13 Defendant.

CASE NO. CR21-0174-JCC-4

ORDER

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15 This matter comes before the Court on Defendant's motion for transportation expenses  
16 (Dkt. No. 747). The Court, having thoroughly considered the record and briefing, hereby  
17 GRANTS in part and DENIES in part the motion for the reasons described below.

18 When a defendant is released on appearance bond and his subsequent appearance is a  
19 condition of the release, the Court—upon finding that the defendant is financially unable to  
20 appear and that the interests of justice will be served—may authorize the United States Marshals  
21 to arrange for a defendant's "means of noncustodial transportation or furnish the fare for such  
22 transportation *to* the place where [her] appearance is required." 18 U.S.C. § 4285 (emphasis  
23 added). This includes "subsistence expenses *to* his destination." *Id.* (emphasis added).

24 Defendant presently resides in New York, (*see* Dkt. No. 232 at 2), and is to appear for a  
25 change of plea hearing in Seattle. The Court previously found Defendant indigent and appointed  
26 counsel. (*See* Dkt. No. 24-5.) Based on the Court's prior finding, and being advised of no

1 changes to Defendant's financial condition,<sup>1</sup> the Court now FINDS that Defendant is financially  
2 unable to appear as directed and that the interests of justice would be served by the provision of  
3 transportation by the Government.

However, the statute does not provide for the payment of travel expenses to return to New York. *See* 18 U.S.C. § 4285. And, in fact, courts, including this one, routinely conclude that payment of such expenses is not authorized. *See, e.g., United States v. Moran*, 2008 WL 11487953, slip op. at 2 (W.D. Wash. 2008) (citing *United States v. Gundersen*, 978 F.2d 580, 584 (10th Cir. 1992)); *United States v. Silkeutsabay*, 2015 WL 13449660, slip op. at 1 (E.D. Wash. 2015) (similar reasoning); *United States v. Smith-Kilpatrick*, 2017 WL 11573726, slip op. at 1 (W.D. Mich. 2017) (similar reasoning). The Court sees no reason to depart from those holdings in this instance.

12       Accordingly, the motion for transportation expenses is GRANTED in part and DENIED  
13 in part. The Court ORDERS the United States Marshals to arrange and pay for Defendant's non-  
14 custodial, one-way transportation from New York to Seattle. Subsistence while en route may not  
15 exceed the amount authorized as a *per diem* allowance for travel under 5 U.S.C. § 5702(a).

17 DATED this 28th day of June 2024.

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John C. Coughenour  
UNITED STATES DISTRICT JUDGE

<sup>1</sup> Defense counsel avers this remains true today. (See Dkt. No. 747 at 2, 750 at 2.)